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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,727	05/25/2001	Kentoku Yamaguchi	04329.2571	3367

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EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,727

Applicant(s)

YAMAGUCHI, KENTOKU

Examiner

Sujatha Sharma

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,6-10,12,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson [GB 2 311 910 A].

Regarding claims 1,8 Robinson discloses a method of providing access to different radio communication services for a radio communication device. Robinson further discloses a radio communication terminal connected with a base station over radio channels for making communications with the base station comprising:

- First communication means for establishing first radio channels with the base station and making communications over the first radio channel; See summary and page 3, line 14 – page 4, line 4; page 4, lines 24-29; page 5, lines 23-27; where a communication channel is established for example for voice communications
- second communication means for establishing a second radio channel with the base station and making communications over the second radio channel simultaneously with

the first communication means; see page 7, lines 9-28 where allocating more time in TDMA system is allocating more time slots/channels; page 9, lines 7-24, where more than one bearer/channel is assigned to user based on the requested service;

- and informing means for informing an operator at the terminal of information transmitted to and received from the base station over the multiple channels for each radio channel.

See Fig. 3 and page 5, lines 21-27.

Regarding claims 3,10 Robinson further discloses a radio communication terminal wherein the communication means has means for making at least voice data communication, video data communication, and message data communication. See summary of invention and Fig.3.

Regarding claim 4, Robinson further discloses a radio communication terminal wherein the informing means has display means that allows visual display. See Figs. 3,4 and page 5, lines 21-27.

Regarding claims 6, Robinson discloses a radio communication terminal connected with a base station over radio channels for making communications with the base station comprising:

- First communication means for establishing first radio channels with the base station and making communications over the first radio channel; See summary and page 3, line 14 – page 4, line 4; page 4, lines 24-29; page 5, lines 23-27; where a communication channel is established for example for voice communications

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- second communication means for establishing a second radio channel with the base station and making communications over the second radio channel simultaneously with the first communication means; see page 7, lines 9-28 where allocating more time in TDMA system is allocating more time slots/channels; page 9, lines 7-24, where more than one bearer/channel is assigned to user based on the requested service;
- input means used in common at the time of a communications over the multiple channels and having means for selecting one of radio channels established by the communication means and means for inputting information for making communications over the selected radio channel. See page 8, line 20 – page 9, line 24.

Regarding claim 7, Robinson further discloses a radio communication terminal wherein the communication means has means for making at least voice data communication, video data communication, and message data communication. See summary of invention and Fig.3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson [GB 2 311 910 A] in view of Smirnov [US 6,704,813].

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Regarding claims 5,11, Robinson discloses all the limitations as claimed. However he does not disclose the radio communication terminal further comprising storage means for storing information utilized when radio communications are made, and wherein the informing means has means informing the operator of the information transmitted to and received from the base station and the information read from the storage means.

Smirnov, in the same field of endeavor, teaches the use of a radio communication terminal further comprising storage means for storing information utilized when radio communications are made, and wherein the informing means has means informing the operator of the information transmitted to and received from the base station and the information read from the storage means. See col. 3, lines 25-30; col. 4, lines 50-59; col. 5, lines 9-16 and 31-42; col. 6, line 65 - col. 7, line 16; col. 7, line 60 – col. 8, line 15.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Smirnov to Robinson in order to facilitate the user to store the streaming information for later viewing at the convenience of the user.

Response to Arguments

1. Applicant's arguments filed 11/12/2004 have been fully considered but they are not persuasive.

The arguments are directed to newly added limitations in the claims. These limitations are now addressed in this office action.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
April 21, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER